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IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.28 of 2001

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Devendra Prasad Singh, Railway Contractor, resident of Argara Chowk, P.O. -Katihar, P.S. and District Katihar.

.... Petitioner

Versus

1. The Union of India through the General Manager, N.F. Railway, Maligaon, Guwahati, Assam.
2. The General Manager, N.F. Railway, Maligaon, Guwahati, Assam.
3. The General Manager (Works), N.F. Railway, Maligaon, Guwahati, Assam.
4. Senior Divisional Engineer, N.F. Railway, P.O. Katihar, P.S. & District Katihar.

.... Opposite parties

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For the Petitioner : Mr. Vikas Kumar, Advocate.
For the Respondents : None.

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P R E S E N T : HONOURABLE MR. JUSTICE S.N. HUSSAIN
ORDER

12 29-08-2012 Heard learned counsel for the petitioner.

2. This case is pending since 2001 and in spite of passage of eleven long years and in spite of valid service of notice on the opposite parties, no one has appeared to contest the claim of the petitioner.

3. This petition has been filed by the petitioner for appointment of independent Arbitrator to resolve the dispute and differences, which have arisen between the parties with respect to Agreement bearing No.112/KIR/R/W-2 dated 19.03.1993.

4. From the materials on record, it is quite apparent that there was an agreement and there was an arbitration clause. It is also clear that there was a dispute between the parties and the

petitioner applied for Arbitration, but Arbitrator was not appointed by the authorities due to which he moved before the Subordinate Judge, who appointed an Arbitrator but the said order of the Subordinate Judge was set aside because Subordinate Judge had appointed Arbitrator as per the provisions of the earlier Act, whereas the provision of the new Act was applicable according to which the application has to be filed before this court.

5. In the said circumstances this case is disposed of appointing Mr. B.N. Sahay, a Retired District Judge, residing at A-102 Raj Kishori Complex, Mulchand Path, Kankarbagh, Patna-800020 as Arbitrator to settle the dispute between the parties. Both the parties are directed to approach the said Arbitrator within 15 days from today along with a copy of this order and their respective pleadings, whereafter the said Arbitrator will fix the dates as well as his remuneration and expenses which shall be borne half and half by both the parties.

6. With the aforesaid directions/observations, this petition is disposed of.

(S.N. Hussain, J)

Harish/-